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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,323	02/05/2001	Takashi Hasegawa	82274	3649

7590

07/31/2003

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EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 07/31/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,323

Applicant(s)

HASEGAWA ET AL.

Examiner

Gary K Graham

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 9 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, lines 2 and 3, use of "...for fixing the wiper arm at the distal end side than the small-diameter section,..." appears confusing. Perhaps "than" should be ---of---.

In claim 9, line 11, use of "...friction to that occurs when..." appears improper. It appears ---which--- should be inserted after "that".

In claim 17, line 2, there is no antecedent basis for "the fixing section". The fixing section is set forth in claim 15.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Moote et al '171.

The patent to Moote discloses the invention as is claimed. Note figure 3 of Moote which shows a wiper pivot unit (70) including a pivot shaft (78) supported by bearing portions of a pivot holder (72). A locking member (94), formed as a toothed washer, restricts axial movement of the pivot shaft within the pivot holder. The pivot shaft includes a large diameter portion upon which the locking member engages when the shaft is installed and a small diameter portion, either the conical shaped portion or the distal end of the shaft with respect to the pivot holder.

With respect to claim 1, it appears that upon application of sufficient force to drive the shaft downwardly, the locking member (94) will be disengaged from the large diameter portion of the shaft thus reducing the frictional force of such member on the shaft.

With respect to claims 9 and 12, it appears, based on the relative sizes shown, that as the shaft is driven downwardly it eventually will be entirely disengaged from the washer, thus reducing the frictional retaining force to zero.

Claims 1-6, 8-15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Setsuji et al '714.

The patent to Setsuji discloses the invention as is claimed. Note figures 1 and 2 of Setsuji which shows a wiper pivot unit (100) including a pivot shaft (20) supported by bearing portions of a pivot holder (30). A locking member (25), formed as a toothed washer, restricts axial movement of the pivot shaft within the pivot holder. The pivot shaft includes a large diameter portion (23) upon which the locking member engages when the shaft is installed and a small diameter portion (21). A tapered knurled portion (fig.4) is provided to lock the wiper arm (10) to the shaft.

With respect to claim 1, it appears that upon application of sufficient force to drive the shaft downwardly, the locking member (94) will be disengaged from the large diameter portion of the shaft thus reducing the frictional force of such member on the shaft.

With respect to claims 9 and 12, it appears, based on the relative sizes shown, that as the shaft is driven downwardly it eventually will be entirely disengaged from the washer, thus reducing the frictional retaining force to less than half and most likely zero.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setsuji '714.

The patent to Setsuji discloses all of the above recited subject matter with the exception of a tapered surface joining the large and small diameter portions.

While Setsuji discloses an orthogonal surface joining the different diameter portions, to make such tapered would have been obvious to one of skill in the art. Use of gradual contours to join surfaces, instead of sharp angles, is well known in the mechanical arts to reduce stress concentrations. Employing such with the shaft of Setsuji would have been entirely obvious for such purposes.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 703-308-1270. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 703-308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Art Unit: 1744

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read 'GK Graham', written in a cursive style.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
July 28, 2003